

SENATE No. 496

The Commonwealth of Massachusetts

PRESENTED BY:

Moore, Richard (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Promoting Patient Access and Affordability in Treating Eye and Vision

PETITION OF:

NAME:

Moore, Richard (SEN)

DISTRICT/ADDRESS:

Worcester and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00612 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PROMOTING PATIENT ACCESS AND AFFORDABILITY IN TREATING EYE AND VISION.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 175 of the General Laws, as appearing in the 2006 Official Edition,
2 shall be amended, after section 108G, by inserting the following new section:-

3 “Section 108H. (1) No person shall interfere with the exercise of another person’s selection to
4 seek treatment from a health care provider licensed under chapter 112.

5 (2) If any accident or health insurance plan, contract or agreement offers health care benefits
6 which provide ophthalmologic care for any person, partnership, corporation, association or
7 group, however organized, such accident or health insurance plan, contract or agreement shall
8 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an
9 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and
10 benefits for its members when such care is rendered by an optometrist under such accident or
11 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
12 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner

which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the availability of ophthalmologic and optometric services.

(3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as necessary.

SECTION 2. Chapter 176A of the General Laws, as appearing in the 2006 Official Edition, shall be amended, after section 32, by inserting the following new section:-

“Section 33. (1) No person shall interfere with the exercise of another person’s selection to seek treatment from a health care provider licensed under chapter 112.

(2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide ophthalmologic care for any person, partnership, corporation, association or group, however organized, such accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care coverage and benefits for its members when such care is rendered by an optometrist under such accident or health insurance plan, contract or agreement. Such accident or health insurance plan, contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the availability of ophthalmologic and optometric services.

(3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as necessary.

SECTION 3. Chapter 176B of the General Laws, as appearing in the 2006 Official Edition, shall be amended, after section 4R, by inserting the following new section:-

“Section 4S. (1) No person shall interfere with the exercise of another person’s selection to seek treatment from health care provider licensed under chapter 112.

(2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide ophthalmologic care for any person, partnership, corporation, association or group, however organized, such accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care coverage and benefits for its members when such care is rendered by an optometrist under such accident or health insurance plan, contract or agreement. Such accident or health insurance plan, contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the availability of ophthalmologic and optometric services.

(3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as necessary.

SECTION 4. Chapter 176C of the General Laws, as appearing in the 2004 Official Edition, shall be amended, after section 4Q, by inserting the following new section:-

“Section 4R. (1) No person shall interfere with the exercise of another person’s selection to seek treatment from health care provider licensed under chapter 112.

(2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide ophthalmologic care for any person, partnership, corporation, association or group, however organized, such accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care coverage and benefits for its members when such care is rendered by an optometrist under such accident or health insurance plan, contract or agreement. Such accident or health insurance plan, contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the availability of ophthalmologic and optometric services.

(3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as necessary.

SECTION 5. Chapter 176G of the General Laws, as appearing in the 2004 Official Edition, shall be amended, after section 4J, by inserting the following new section:-

“Section 4K. (1) No person shall interfere with the exercise of another person’s selection to seek treatment from health care provider licensed under chapter 112.

(2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide ophthalmologic care for any person, partnership, corporation, association or group, however organized, such accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care coverage and

78 benefits for its members when such care is rendered by an optometrist under such accident or
79 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
80 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner
81 which will provide an equal proportion of duly licensed provider types in relation to the benefits
82 provided by such accident or health insurance plan, contract or agreement, and (2) equally
83 inform its members of the availability of ophthalmologic and optometric services.

84 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this
85 section as necessary.